

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

ELLAURIA LITTLE HAWK, SPECIAL  
ADMINISTRATOR OF THE ESTATE OF  
STANLEY T. LITTLE HAWK, JR.,  
DECEASED,

Plaintiff,

vs.

LLOYD A. McPHERSON, MD and  
GREGORY L. MORFORD, MD,

Defendants.

Case No. 5:07-cv-05027

**SEPARATE ANSWER  
OF  
LLOYD A. McPHERSON, MD**

Lloyd A. McPherson, MD ("Dr. McPherson"), through undersigned counsel, answers  
Plaintiff's Complaint:

1. Dr. McPherson denies each and every allegation, matter and thing in Plaintiff's  
Complaint except those matters specifically admitted in this Answer;
2. Dr. McPherson is a resident of New Jersey and is an emergency room physician;
3. Dr. McPherson admits he provided emergency room physician services at IHS  
Hospital in Pine Ridge in August of 2005, and that he rendered care and treatment to Plaintiff's  
decedent;
4. Dr. McPherson denies that any care he provided was negligent or otherwise  
wrongful, denies that any negligence or wrongful conduct by him legally caused harm to  
Plaintiff's decedent, and puts Plaintiff to strict proof of her alleged damages;

5. Plaintiff's Complaint and each count in it fail to state claims against Dr. McPherson upon which relief can be granted;

6. Plaintiff's decedent, Stanley T. Little Hawk, Jr., was contributorily negligent to a degree so as to reduce or preclude Plaintiff's recovery of damages in this action;

7. Plaintiff's decedent, Stanley T. Little Hawk, Jr. assumed the risk of his injuries so as to preclude recovery by Plaintiff herein; and

8. Dr. McPherson reserves the affirmative defense of Plaintiff's decedent's failure to mitigate his damages.

WHEREFORE, Dr. McPherson prays for judgment dismissing Plaintiff's Complaint on its merits with prejudice and granting Dr. McPherson his costs and disbursements incurred herein.

Dated this 4 day of April, 2007.



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**DR. McPHERSON HEREBY DEMANDS TRIAL BY JURY**

CERTIFICATE OF SERVICE

I hereby certify that on the 4 day of April, 2007, I electronically filed the foregoing Separate Answer of Lloyd A. McPherson, MD with the Clerk of Courts using the CM/ECF system which will automatically send e-mail notification of such filing to the following:

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